

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 11TH JUNE 2007 / 21ST JYASHTA 1929

WP(C).No. 27622 of 2006(L)

PETITIONER:

1. SHEENA K., D/O. MUTTIL NARAYANAN,
KANDANKALI P.O., VIA. PAYYANNUR,
KANNUR DISTRICT.
2. MUTTIL NARAYANAN, AGED 57 YEARS,
S/O. LATE MANIKYAM, VIA. PAYYANNUR,
KANDANKALI P.O., KANNUR DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

1. EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, PAYYANNUR.
2. ASSISTANT ENGINEER,
ELECTRICAL DIVISION, PAYYANNUR.
3. MUTTIL KALYANI, D/O. LATE MANIKYAM,
KANDANKALI P.O., KANNUR DISTRICT.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
ADV. SHRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE ORDER NO.DB 34/PROPERTY XING/06/07/228/9-10-06 OF THE 2ND RESPONDENT.

P2 : COPY OF THE REPLY DATED 13/10/06 SENT SUBMITTED by the 1ST PETITIONER WITH ENDORSEMENT BY THE 2ND PETITIONER DATED 12/10/06 BY REGISTERED POST AD DUE.

P3 : COPY OF THE LETTER DATED 16/10/06 SENT by the 1ST PETITIONER BY REGD. POST AD DUE.

P4 : COPY OF THE DECREE DATED 19/12/2003 OF THE MUNSIFF COURT, PAYYANNUR IN O.S. 112/98.

P5 : COPY OF THE APPEAL MEMORANDUM IN AS 19/04 FILED BEFORE THE SUB-COURT, PAYYANNUR.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 27622 of 2006

Dated, this the 11th day of June, 2007

J U D G M E N T

First petitioner was given connection over the property owned by 2nd petitioner and her brother 3rd respondent and others. After retaining the connection for nearly 10 months, 3rd respondent, one of the joint owners opposed connection and based on her application KSEB proposed to dismantle the line and to disconnect the supply. It is against this, petitioners approached this Court and this Court granted stay against disconnection ever since filing of the WP(C). Even after service of notice, 3rd respondent has not filed any counter affidavit. According to the petitioners, the property over which line is drawn is the subject matter of suit for partition. Since Civil Court is ceased of the matter, I feel as and when physical partition is affected, it is open to the land owners concerned to apply for shifting of the line if there are any grievance and if shifting reduces inconvenience. Shifting application, if made, will be considered by the ADM. In the circumstances, WP(C) is disposed of directing respondents 1 & 2 not to disconnect supply or to shift the line or otherwise than through ADM's orders to shift the line, if the same reduces inconvenience to any of the land owners after partition.

(C.N.RAMACHANDRAN NAIR, JUDGE.)